

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

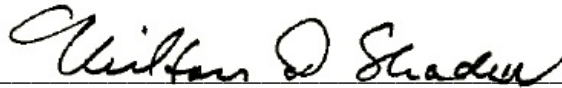
BARRINGTON MEDICAL SYSTEMS, LLC,)	
)	
Plaintiff,)	
)	
v.)	No. 06 C 7183
)	
PROMED HEALTH NETWORK, INC.,)	
)	
Defendant.)	

MEMORANDUM ORDER

Despite the passage of nearly a decade since our Court of Appeals' issuance of its opinion in Cosgrove v. Bartolotta, 150 F.3d 729, 731 (7th Cir. 1998), with a substantial number of opinions having emanated from the same source and delivering the same message since then, some lawyers continue to violate the requirements for establishing diversity of citizenship as to limited liability companies. Although our Court of Appeals counsels that such violations call for dismissal of an action for lack of subject matter jurisdiction, this Court is loath to stick lawyers or their clients with another \$350 filing fee if the proper allegations would in fact confirm the existence of diversity. Accordingly plaintiff's counsel is granted until January 16, 2007 to file an appropriate amendment to Complaint ¶1 (rather than an entirely self-contained Amended Complaint), failing which the Complaint and this action will be dismissed for lack of subject matter jurisdiction.

Because it seems likely (although it is not certain) that

the requisite diversity does exist, this Court is contemporaneously issuing its customary initial scheduling order. If the action is dismissed in the interim, that order and the scheduling it establishes will of course become moot.

A handwritten signature in cursive script, reading "Milton I. Shadur", written in black ink.

Milton I. Shadur
Senior United States District Judge

Date: January 5, 2007